

Remarks/Arguments

Applicant thanks the Examiner for careful consideration of the application.

Applicant has amended claims 43-44 so that claim 43 includes all the limitations of independent product claim 1. Applicant asserts by amending the withdrawn method claim to include all of the limitations of product claim 1 claims 43-50 will be subject to rejoinder in accordance with the provisions of MPEP §821.04.

Applicant has amended claims 7, 28, and 39 to correct minor typographical errors and to clarify the invention defined thereby. In claim 7 Applicant has change --a acoustic actuator-- to "an acoustic actuator." In claim 28 Applicant has replaced the term --polyamine-- with the term "amine" providing proper antecedent basis for the limitation "cycloaliphatic amine," found in claim 1. Applicant amended claim 39 adding the limitation "a substrate carrier having" before the limitations --means for supporting said substrate--, to clarify the invention defined thereby. None of these amendments add new matter.

No claims have been allowed by the Examiner.

I. Double Patenting:

Examiner has rejected claims 1-42 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No.7,063,413 in view of Takago (U.S. Patent No. 4,291,114. This rejection is respectfully traversed with regards to claims 1-42.

Applicant traverses Examiners rejection of claims 1-42 since Examiner has failed to establish a *prima facie* case of nonstatutory obviousness type double patenting. Applicant asserts Examiner has misconstrued nonstatutory obvious type double patenting by combining Takago with US7063413. Applicant asserts the proper analysis is between the instant case and US7063413. Examiner cannot in a nonstatutory obvious

type double patenting rejection combine a commonly assigned case with an issued patent that is not commonly assigned to Applicant.

To establish a *prima facie* case of nonstatutory-type double patenting, the Examiner must identify the inventions claimed in the claims under consideration and in the patent claims. In addition, the Examiner must establish that any variations between the inventions claimed in the claims under consideration and the earlier-issued patent claims would have been obvious to a person of ordinary skill in the art. Further the Examiner's showing of obviousness must follow the analysis used to establish a *prima facie* case of obviousness. Applicant asserts the comparison should be between the inventions defined by the claims, not the language of the claims. Thus, the analysis is based on what the claim defines and not on claim language itself. That is the emphasis is centered on whether it would have been obvious to modify the invention claimed, not whether it would have been obvious to modify the claimed invention. The analysis should not focus on what the claim language discloses, but rather on what it defines. Since Examiner has improperly combined prior references as if Examiner is treating the double patenting rejection as an obviousness §103 type rejection instead of focusing on the analysis between US7063413 and the instant case Applicant asserts Examiner has failed to establish a *prima facie* case of nonstatutory-type double patenting. Accordingly, Applicant asserts the rejection of claims 1-42 has been overcome. Therefore, Applicant respectfully requests Examiner withdraw the rejection of claims 1-42 based on the judicially created doctrine of nonstatutory obviousness-type double patenting.

II. Rejections under 35 U.S.C. §112

Examiner has rejected claims 29 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claim 29 to remove the double inclusion of the word "claim" and Applicant has changed the limitation --said cycloaliphatic polyamine-- to "said cycloaliphatic amine" providing proper antecedent basis for this limitation. Accordingly, Applicant asserts with this amendment of claim 29 Applicant has overcome the rejection of claim 29. Therefore,

Applicant respectfully requests Examiner withdraw the rejection of claim 29 under 35 U.S.C. §112, second paragraph.

III. Rejections under 35 U.S.C. §102

Examiner, on page 4 of the Office Communication has rejected claims 39 and 41-42 under 35 U.S.C. §102(e) as being anticipated by Tom et al. (U.S. Patent No. 6,787,049, "Tom"). This rejection is respectfully traversed with regard to claims 39 and 41-42.

Applicant traverses Examiner's rejection of claims 39 and 41-42 since Examiner has failed to establish a *prima facie* case of anticipation. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *MPEP 2131*. All words in a claim must be considered in judging the patentability of that claim against the prior art. *Id.* (citing *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)). These requirements are not met here.

In regards to independent claim 39, claim 39 discloses a "fluid ejection device, comprising: a substrate having means for ejecting a fluid; a substrate carrier having means for supporting said substrate; and means for adhering said substrate to said means for supporting said substrate."

Applicant respectfully disagrees with Examiner. Applicant asserts that reference numeral 50 shown in Fig. 1 of Tom is described in Tom as "[t]he front wall 26 also includes an externally-positioned, outwardly-extending printhead support structure 34 which comprises a substantially rectangular central cavity 50. Col. 5, lines 37-39. Tom also discloses "positioned within the central cavity 50 is a rectangular upwardly-extending mounting frame 56, the function of which will be discussed below. As schematically shown in FIG. 1 [below], the mounting frame 56 is substantially even (Flush) with the front of face 60 of the printhead support structure 34. The mounting frame 56 specifically includes dual, elongate side walls 62, 64." Col. 5, 45-52.

Applicant respectfully requests Examiner provide a more reasoned argument how a

rectangular central cavity 50 can disclose "a substrate carrier having means for supporting said substrate; and means for adhering said substrate to said means for supporting said substrate." Applicant asserts that a cavity or hole cannot define or disclose "means for supporting" and therefore the rectangular cavity disclosed in Tom cannot disclose "a substrate carrier having means for supporting said substrate; and means for adhering said substrate to said means for supporting said substrate," as claimed by Applicant in the instant specification. Examiner has provided no findings of fact on how such an interpretation is reasonable. Accordingly, Applicant asserts the rejection of claims 39 and 41-42 has been overcome. Therefore, Applicant respectfully requests Examiner withdraw the rejection of claims 39 and 41-42 under 35 U.S.C. §102(e) as being anticipated by Tom at least for this reason alone.

IV. Rejections under 35 U.S.C. §103:

Examiner has rejected claims 1-3, 5-13, 15-18, 26-27, 29-31, and 37 under 35 U.S.C. §103(a) as being unpatentable over Tom et al. (U.S. Patent No. 6,787,049, "Tom") in view of Shokal (U.S. Patent No. 3,336,241, "Shokal"). This rejection is respectfully traversed with regard to claims 1-2, 7, and 11-13 since neither Tom nor Shokal taken either individually, or in combination therewith, renders Applicant's claimed invention obvious under 35 U.S.C. §103(a).

To establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. MPEP 2143.03 (*citing In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). All words in a claim must be considered in judging the patentability of that claim against the prior art. *Id.* (*citing In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)). These requirements are not met here. The prior art elements/teachings must yield predictable results when combined in order to meet the standards to establish a *prima facie* case of obviousness of a claimed invention.

In regards to independent claim 1, claim 1 discloses a fluid ejection device, comprising: **"a substrate carrier having a substrate-receiving-surface;** a substrate having at least one fluid ejector actuator disposed on said substrate; and a one-part

epoxy adhesive **disposed between said substrate and said substrate-receiving-surface**, wherein said one-part adhesive comprises: an epoxy resin having a polyglycidyl ether of a polyhydric phenol, and a solid cycloaliphatic amine curing agent." *Emphasis added.*

Applicant respectfully disagrees with Examiner's identification of particular structures found in Tom that Examiner then correlates to Applicant's claimed invention. First, on page 5 of the Office Action Examiner states Tom discloses "a substrate carrier (34 from Fig. 1)." Applicant is unsure whether this is what Examiner means to identify as the substrate carrier. Applicant is unsure because Examiner then states Tom discloses "a substrate receiving surface (50 from Fig. 1)." Applicant traverses this statement since Tom discloses that numeral 50 is a substantially rectangular central cavity. Applicant is confused how a cavity or hole defines a substrate receiving surface where a one-part epoxy adhesive disposed between said substrate and said substrate-receiving-surface. Examiner has provided no findings of fact on how such an interpretation is reasonable. Applicant asserts that a rectangular cavity does not disclose a substrate receiving surface such that a one-part epoxy is disposed between the substrate and receiving surface of the substrate carrier. As noted above Applicant is unsure Examiner's assertion that 34 discloses Applicant's substrate carrier since Tom discloses "positioned within the central cavity 50 is a rectangular upwardly-extending mounting frame 56, the function of which will be discussed below. As schematically shown in FIG. 1 [below], the mounting frame 56 is substantially even (Flush) with the front of face 60 of the printhead support structure 34. The mounting frame 56 specifically includes dual, elongate side walls 62, 64." Col. 5, 45-52.

Examiner then identifies Tom as disclosing "an epoxy resin disposed between said substrate and said substrate receiving surface (column 8, lines 9-14, column 9 lines 8-16) (applies to claims 1 and 13). Applicant traverses this statement. Applicant asserts Tom in Col. 8, lines 9-14, discloses "[t]he flexible circuit member 118 is secured to the printhead support structure 34 by adhesive affixation using adhesive materials (e.g. epoxy resin compositions known in the art for this purpose)." In addition, Tom in column 9, lines 8-16 discloses the

"last major step in producing the completed printhead 80 involves physical attachment of the orifice plate 104 in position on the underlying portions of the printhead (including the ink barrier layer as discussed below) so that the orifices 108 are in precise alignment with the resistors 86 on the substrate upper surface 84. Attachment of these components together may likewise be accomplished through the use of adhesive materials (e.g. epoxy and or cyanoacrylate adhesives known in the art for this purpose)."

This highlights Applicant's confusion. If Applicant's assumption is correct, that the substrate Examiner is asserting is equivalent to Applicant's claimed substrate is associated with reference numeral 82, then Applicant respectfully disagrees with Examiner that securing flexible circuit member 118 to printhead support structure 34 using an epoxy adhesive discloses "a one-part epoxy adhesive disposed between said substrate and said substrate-receiving-surface," as claimed by Applicant in the instant specification. Applicant also respectfully disagrees with Examiner that attachment of the orifice plate 104 on the underlying portions of the printhead including the ink barrier layer which is on top of substrate upper surface 84 discloses "a one-part epoxy adhesive disposed between said substrate and said substrate-receiving-surface," as claimed by Applicant in the instant specification.

Applicant asserts there are several of errors in Examiner's reasoning.

First, substrate 82 fits within a window 134 formed in flexible circuit member 118 and therefore flexible circuit member 118 cannot also serve as what Examiner is identifying as the substrate in Applicant's claim 1 because the flexible circuit member 118 does not have "at least one fluid ejector actuator disposed on said substrate," as disclosed in Applicant's independent claim 1. In addition, Applicant believes Examiner has also asserted that the flexible circuit 118 does not include a fluid ejector actuator

disposed thereon in identifying the printhead substrate as equivalent to Applicant's claimed substrate.

Second Applicant notes that Applicant's independent claim 1 discloses "a one-part epoxy adhesive disposed between said substrate and said substrate-receiving-surface." Applicant asserts that Tom in disclosing "[t]he flexible circuit member 118 is secured to the printhead support structure 34 by adhesive affixation," i.e. an epoxy resin, does not disclose an epoxy adhesive disposed between the substrate and the substrate receiving surface because by definition if the substrate fits within window 134 of flexible circuit 118 and the epoxy placed on or in contact with flexible circuit 118 is completely around the periphery of the substrate then it is not disposed between but rather disposed around the substrate and the substrate receiving surface. Essentially, Applicant is asserting that Examiner appears to be identifying printhead substrate 82 as equivalent to Applicant's substrate and is then identifying other structures that are part of the print head that are attached to even other structures possibly using an epoxy adhesive.

Applicant asserts this is confirmed with the third error in Examiner's reasoning. Examiner also states that Tom in column 9, lines 8-16 discloses "a one-part epoxy adhesive disposed between said substrate and said substrate-receiving-surface," as claimed by Applicant in the instant specification. Clearly in column 9, lines 8-16 Tom discloses the physical attachment of the orifice plate 104 in position on the underlying portions of the printhead including the ink barrier layer. Thus, Applicant asserts it is clear Examiner has erroneously identified three different parts; namely the printhead substrate 82, the flexible circuit member 118, and orifice plate 104 all disclosed in Tom and is trying to make each of these distinct parts equivalent to Applicant's claimed substrate. Applicant asserts that neither the flexible circuit member 118 nor the orifice plate 104 disclose Applicant's "substrate" as it appears in independent claim 1. Applicant respectfully asserts Examiner appears to be using Applicant's claim as a template to then pick and choose various disclosures in Tom to try to piece together Applicant's claimed invention. Applicant has been unable to find anywhere within Tom where there is a disclosure of an "epoxy adhesive disposed between said substrate and

said substrate-receiving-surface," as claimed by Applicant in the instant specification. If Examiner disagrees with Applicant's interpretation Applicant respectfully requests Examiner place a more reasoned argument in the record and particularly point out where in Tom such a disclosure is made. If Examiner is relying on personal knowledge then Applicant respectfully requests Examiner provide an affidavit under 37 C.F.R. §1.104(d)(2). Because Examiner has failed to correctly identify in Tom all of the limitations found in Applicant's independent claim 1 that Examiner states are found in Tom Applicant asserts Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, Applicant asserts the rejection of claims 1-3, 5-13, 15-18, 26-27, 29-31, and 37 has been overcome. Therefore, Applicant respectfully requests Examiner withdraw the rejection of claims 1-3, 5-13, 15-18, 26-27, 29-31, and 37 under 35 U.S.C. §103(a) as being unpatentable over Tom in view of Shokal at least for this reason alone.

In addition, Applicant asserts Examiner has also failed to establish a *prima facie* case of obviousness in combining Shokal with Tom. Applicant asserts Examiner has not included in the written record explicit findings as to how a person of ordinary skill would have understood prior art teachings, or what a person of ordinary skill would have known or could have done. Applicant asserts that Examiner's reasoning that one would have combined Shokal with Tom for the purpose of providing improved adhesiveness mechanical strength and resistance to discoloring and chalking is without merit since there is nothing about resistance to discoloring and chalking that is relevant to the instant case. Applicant is unaware of any rationale in regards to resistance to discoloring and chalking that one of ordinary skill in the art of making fluid ejection devices would associate with the need for an epoxy resin to adhere a substrate to a substrate carrier. Clearly, Applicant asserts that the mere statement to improve adhesiveness mechanical strength is simply a generic rationale that would be associated with any and every adhesive and does not warrant rising to the level sufficient to sustain an argument for obviousness in regards to the unpredictable chemical sciences involving adhesives. Further, Applicant notes clearly Shokal is not germane to the question at hand since the epoxy adhesives disclosed in Shokal can be cured to form products having outstanding resistance to discoloration and chalking by outdoor conditions. For

fluid ejection devices Applicant is unaware of any general need to deal with outdoor conditions. Thus other than using Applicant's invention as a template Applicant asserts Examiner has provided no rational reason one of ordinary skill in the art of fluid ejection devices reading Shokal would be led to try the epoxy adhesive disclosed in Shokal other than to say that one of ordinary skill in the art of fluid ejection devices would try any adhesive ever created simply because it is an adhesive. Applicant asserts Shokal in teaching adhesives for outdoor use actually teaches away from Applicant's claimed invention because the problems solved by Shokal are not related to any problems Applicant is solving with Applicant's invention. Accordingly, Applicant believes the rejection of claims 1-3, 5-13, 15-18, 26-27, 29-31, and 37 has been overcome. Therefore, Applicant respectfully requests Examiner withdraw the rejection of claims 1-3, 5-13, 15-18, 26-27, 29-31, and 37 under 35 U.S.C. §103(a) as being unpatentable over Tom in view of Shokal at least for the second reason alone.

In regards to dependent claim 7, claim 7 discloses "wherein said fluid ejector actuator is an acoustic actuator." Applicant has been unable to find anywhere within Tom the disclosure of an acoustic actuator. Applicant respectfully requests Examiner particularly point out where in Tom such a disclosure is made. If Examiner is relying on personal knowledge then Applicant respectfully requests Examiner provide an affidavit under 37 C.F.R. §1.104(d)(2). Accordingly, Applicant asserts the rejection of claim 7 has been overcome. Therefore, Applicant respectfully requests Examiner withdraw the rejection of claim 7 under 35 U.S.C. §103(a) as being unpatentable over Tom in view of Shokal at least for this reason alone.

In regards to dependent claim 11, claim 11 discloses "fluid inlet channels formed in said substrate and fluidically coupled to said chamber." Examiner, on page 6 of the Office Action states that Tom discloses "fluid inlet channels and coupled to the chamber (column 6, lines 40-45). Applicant traverses Examiner statement. Applicant notes Tom actually discloses "ink flow passageways are formed on both sides of the substrate so that ink flowing from the ink outlet port 54 in the central cavity 50 can ultimately come in contact with the resistors 86." Applicant asserts that ink flowing around the edge of the substrate does not disclose "fluid inlet channels formed in said substrate and

fluidically coupled to said chamber," i.e. Tom does not disclose forming fluid inlet channels in the substrate rather Tom discloses flowing fluid around the edge of the substrate. Accordingly, Applicant asserts the rejection of claim 11 has been overcome. Therefore, Applicant respectfully requests Examiner withdraw the rejection of claim 11 under 35 U.S.C. §103(a) as being unpatentable over Tom in view of Shokal at least for this reason alone.

In regards to dependent claim 13, claim 13 discloses "wherein said one-part epoxy adhesive forms an adhesive bond between said device body and said substrate carrier." Applicant has been unable to find anywhere within Tom the disclosure of forming an adhesive bond between said device body and said substrate carrier. Applicant respectfully requests Examiner particularly point out where in Tom such a disclosure is made. If Examiner is relying on personal knowledge then Applicant respectfully requests Examiner provide an affidavit under 37 C.F.R. §1.104(d)(2). Applicant asserts that Tom is silent on the use of a "one-part epoxy adhesive forms an adhesive bond between said device body and said substrate carrier." Accordingly, Applicant asserts the rejection of claim 13 has been overcome. Therefore, Applicant respectfully requests Examiner withdraw the rejection of claim 13 under 35 U.S.C. §103(a) as being unpatentable over Tom in view of Shokal at least for this reason alone.

Examiner has rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over Tom et al. (U.S. Patent No. 6,787,049, "Tom") in view of Shokal (U.S. Patent No. 3,336,241, "Shokal") and further in view of Bonne et al. (U.S. Patent No. 7,003,418, "Bonne"). This rejection is respectfully traversed with regard to claim 14 since neither Tom, Shokal nor Bonne taken either individually, or in combination therewith, renders Applicant's claimed invention obvious under 35 U.S.C. §103(a).

Claim 14 discloses "wherein said substrate carrier further comprises a ceramic chip carrier." Applicant traverses Examiner's statement that Bonne discloses "a substrate carrier comprising a ceramic chip (column 6, lines 28-51 in an ink jet printer (column 9, lines 11-19) for the purpose of providing accurate sensing of temperature and/or ink viscosity (column 9, lines 11-19). Applicant asserts Bonne discloses "a

physical property sensor package 600 holding an alumina substrate, which holds a flow sensor chip, which can be implemented in accordance with an embodiment of the present invention. An O-Ring 610 surrounds an integrated circuit (IC) chip 617 to provide a gas-tight seal thereof. Sensor package 600 additionally includes holding screws 604 and 608, a housing 618 that can be constructed from metal, and an alumina substrate 620. Sensor package 600 also includes I/O (input/output) leads 602 and at least one hex nut 614." Col. 6, lines 28-37. Applicant asserts Bonne discloses a sensor package that can be used in an inkjet printer but does not disclose anything about a fluid ejection device "wherein said substrate carrier further comprises a ceramic chip carrier," as claimed in dependent claim 14 in the instant specification. In addition, Applicant notes Applicant has been unable to find anywhere in Bonne the disclosure of a ceramic chip carrier. Applicant asserts Bonne simply discloses a sensor package using an alumina substrate and does not include a ceramic chip carrier. Applicant respectfully requests Examiner particularly point out where in Bonne such a disclosure is made. If Examiner is relying on personal knowledge then Applicant respectfully requests Examiner provide an affidavit under 37 C.F.R. §1.104(d)(2). Applicant asserts that Bonne is silent on "wherein said substrate carrier further comprises a ceramic chip carrier." Accordingly, Applicant asserts the rejection of claim 14 has been overcome. Therefore, Applicant respectfully requests Examiner withdraw the rejection of claim 14 under 35 U.S.C. §103(a) as being unpatentable over Tom in view of Shokal and further in view of Bonne at least for this reason alone.

Examiner has rejected claims 19-21 and 24-25 under 35 U.S.C. §103(a) as being unpatentable over Tom et al. (U.S. Patent No. 6,787,049, "Tom") in view of Shokal (U.S. Patent No. 3,336,241, "Shokal") and further in view of Feinn (U.S. Patent No. 6,325,491, "Feinn"). This rejection is respectfully traversed with regard to claim 14 since neither Tom, Shokal, nor Feinn taken either individually, or in combination therewith, renders Applicant's claimed invention obvious under 35 U.S.C. §103(a).

In regards to claim 21, claim 21 discloses a fluid ejection device "further comprising an electronic device electrically disposed on or within the fluid ejection device, wherein said one-part epoxy adhesive forms a glob top structure substantially

encapsulating said electronic device." Applicant traverses Examiner's statement that Feinn discloses the limitations of claim 21. Examiner on page 9 of the Office Action states "Feinn discloses . . . wherein the adhesive forms a glob top substantially encapsulating the electronic device" Applicant has been unable to find anywhere within Feinn a disclosure of the limitations claimed in Applicant's claim 21. Applicant respectfully requests Examiner particularly point out where in Feinn such a disclosure is made. If Examiner is relying on personal knowledge then Applicant respectfully requests Examiner provide an affidavit under 37 C.F.R. §1.104(d)(2). Applicant asserts that Examiner may have misinterpreted claim 21 as claim 21 further comprises an electronic device that is encapsulated. In addition, Applicant believes Feinn does not disclose a glob top that substantially encapsulates an electronic device and Examiner has provided no reference numeral, no citation of where in Feinn such a disclosure is made, and no figure where such a structure is shown. Accordingly, Applicant asserts the rejection of claim 21 has been overcome. Therefore, Applicant respectfully requests Examiner withdraw the rejection of claim 21 under 35 U.S.C. §103(a) as being unpatentable over Tom in view of Shokal and further in view of Feinn at least for this reason alone.

In regards to claim 24, claim 24 discloses a fluid ejection device "further comprising: an electrical connector having: a body, and a connector electrical conductor; said electrical conductor electrically couples to a substrate carrier electrical conductor, wherein said one-part epoxy adhesive forms an underfill adhesive structure between said substrate carrier and said electrical connector." Applicant traverses Examiner's statement that Feinn discloses the limitations of claim 24. Examiner on page 9 of the Office Action states "Feinn discloses . . . wherein the adhesive forms an underfill between the substrate carrier and electrical conductor. . . ." Applicant has been unable to find anywhere within Feinn a disclosure of the limitations claimed in Applicant's claim 24. Applicant respectfully requests Examiner particularly point out where in Feinn such a disclosure is made. If Examiner is relying on personal knowledge then Applicant respectfully requests Examiner provide an affidavit under 37 C.F.R. §1.104(d)(2). Applicant notes that Examiner has not identified any reference numeral or figure for Feinn disclosing the limitations claimed in Applicant's claim 24. Applicant

asserts Examiner appears to simply be summarizing the claim limitations of claim 24 and asserting that the summary is disclosed in Feinn. Applicant asserts Feinn does not disclose "an electrical connector having: a body, and a connector electrical conductor; . . . wherein said one-part epoxy adhesive forms an underfill adhesive structure between said substrate carrier and said electrical connector." Applicant notes as best Applicant can determine Feinn is silent on the term underfill. Further, Applicant asserts that Feinn also does not disclose the claim limitations of claim 25 and in particular does not disclose "wherein said one-part epoxy adhesive forms an electrical connector attach adhesive structure between said fluid ejection body portion and said electrical connector." Accordingly, Applicant asserts the rejection of claims 24 and 25 has been overcome. Therefore, Applicant respectfully requests Examiner withdraw the rejection of claims 24 and 25 under 35 U.S.C. §103(a) as being unpatentable over Tom in view of Shokal and further in view of Feinn at least for this reason alone.

V. Allowable subject matter:

Examiner has objected to claim 28 as being dependent upon a rejected base claim; however, claims 28 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. While applicant agrees with Examiner's conclusions regarding patentability without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant submits that the above identified claims are allowable because the prior art fails to teach, anticipate, or render obvious the invention as claimed independent of how the invention is paraphrased.

Therefore, in view of the foregoing Amendment and Remarks, Applicant believes the present application to be in a condition suitable for allowance. Examiner is respectfully urged to withdraw the rejections, reconsider the present Application in light of the foregoing Amendment, and pass the amended Application to allowance.

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PATENT APPLICATION
Attorney Docket No. 200308693-1
Application No. 10/825,840

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would help to clarify any issues remaining in the application to more quickly advance prosecution of the present application.

Favorable action by the Examiner is solicited.

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